

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action that was mailed July 7, 2011. It is noted that the Applicants are surprised and disappointed that the present rejections are being presented in light of the previously summarized Telephone Interviews and exchange of e-mails that occurred on or about and between May 26 and June 2, 2011. All of the rejections are respectfully traversed. Re-examination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action that was mailed July 7, 2011:

claims 26 – 44 were rejected under 35 USC §102(e) as allegedly being anticipated by US Patent Number 7,111,304 to Hand et al. ("Hand").

The Present Application

By way of brief review, the present application is directed toward a system for remotely supporting a family of products even when the products are deployed in the field.

For example, as recited in independent **claim 36**, embodiments include a system for remotely supporting a family of document processing products even when the document processing products are deployed in the field. The system provides for an **interchangeable device model**. For example, **each device model** (122, 123) provides the system with information regarding classes of information that can be communicated to and from a respective product of the family of products. Additionally, a respective device model includes at least identifications of classes of information that can be communicated to and/or from each of the products of the family of products. In this regard, it is noted that the Office Action refers to the Object Oriented Programming (OOP) use of the term "classes" in the cited documents and not to a discussion of classes of **information**.

Further according to, for example, **claim 36**, a device model **agent** is operative to use information in the device model to provide communication services between a respective unit associated with the device model and other system elements, such as a services host server. The device model **agent** (or code therefor) can be reused in a wide variety of products or in association therewith. The device **model** can be customized on a device-by-device basis. **Accordingly**, the system can support a broad family of products without the need to write and/or update custom communication code in association with each product. **Instead**, all that need be provided for the system to support a new or revised product is to provide new or revised device information in a device model for that product that can be **read** by a copy of the device model agent.

The Cited Document

In **stark contrast**, the newly cited document to **Hand** discusses methods and systems that **feature the requirement to write custom communication code for each new device** (e.g., column 4, lines 31 – 40, and line 38 in particular; column 5, lines 10 – 21).

Still further, where the methods and systems of the **present application** call for a **reusable device model agent** to simply read customizing information from a device specific **interchangeable device model**, the methods and systems of **Hand** require that device specific application program interfaces (API) be adapted to and communicated with.

The Claims Are Not Anticipated

Claims 26 – 44 were rejected under 35 USC §102(e) as allegedly being anticipated by **Hand**.

However, with regard to the recitation in claim 26 and 36 indicating that an interchangeable device model... includes... **identifications** of classes of information... and **mappings** indicating how the classes of information can be communicated to and/or from the first product, the Office Action cites column 4, lines 31 – 40 of **Hand**.

It is respectfully submitted that the citation represents a **clear error** of the Office Action, as the cited portion clearly does not support the assertion that Hand discloses or anticipates the recited subject matter. Instead, cited portion of column 4 of Hand indicates that a CIM provider instantiates instances of classes implemented by device specific modules and **calls methods from such classes** to access data from the devices. It is submitted that this is a reference to the Object Oriented Programming use of the word "classes" and does not disclose **identifications of classes of information**.

Instead of simply providing a model providing device specific information such as the identifications of classes and mappings recited in **claim 26**, the methods and systems of Hand require that custom **code** be provided, instances of which are "**instantiated**" and methods of which are "**called**".

The Office Action goes on to cite column 5, lines 18 – 21 and asserts that the device specific modules of Hand provide "the mappings or translation of the device communication classes and device specific APIs." However, it is respectfully submitted that here, the Office is clearly applying **impermissible hindsight reasoning (MPEP §2142)** and over interpreting the cited portion of Hand or applying **impermissible "gist" (MPEP §2141.02 (II))** type reasoning and overlooking the actual recitation in **claims 26 and 36**. **Claims 26 and 36 do not recite** that the interchangeable device model provides a mapping function. Instead, for example, **claim 26** recites that the model includes mappings indicating how the classes of information (not object oriented programming classes) can be communicated to or from the first product. Again, where Hand requires customized code (e.g., device specific APIs) the methods and systems of the present application, in the recited models, **provide information** that allows code to be reused through, for example, reconfiguration or adaptation based on provided information.

For at least the foregoing reasons, **claim 26**, as well as **claims 27 – 35**, which depend therefrom, and **claim 36**, as well as **claim 37-44**, which depend therefrom, are not anticipated by Hand.

With regard to the recitation in **claims 26 and 36** related to at least one respective device model agent, the Office Action again makes citations and assertions that make it clear that the Office is applying impermissible "gist" type reasoning contrary

to **MPEP §2141.02 (II)** . It is respectfully submitted that this is a **clear error** of the Office Action.

For example, with regard to recitation indicating that the at least one respective device model agent is **operative to read** the interchangeable device model and access information in the at least one respective unit, the Office Action cites column 4, lines 31 – 40 of Hand and characterizes the cited portion with "where the CIM provider calls methods from classes to access data from the devices." In this regard, it is respectfully submitted that discussion of **calling** the methods from classes does not disclose **reading** an interchangeable device model or that at least one respective device model agent is **operative to read** an interchangeable device model.

Moreover, the subject claims further recite that the respective device model agent is operative to provide information to the at least one respective unit **according to the interchangeable device model**. It is respectfully submitted that column 4, lines 4 – 7, which the Office Action cites in this regard, does not disclose or suggest that a device model agent provides information to a unit "according to an interchangeable device model that is "read" by the device model agent. It is respectfully submitted that it is only in impermissible hindsight and with **impermissible "gist type reasoning**, contrary to both MPEP §2142 and **MPEP §2141.02 (II)** that one could interpret the cited portion is making such a disclosure.

For at least the foregoing additional reasons, **claim 26**, as well as **claims 27 – 35**, which depend therefrom, and **claim 36**, as well as **claim 37-44**, which depend therefrom, are not anticipated by Hand.

With regard to the recitation in, for example, **claim 26** of a services host server, the Office Action cites the "Common Information Model Object Manager" depicted at reference number 2 of Fig. 1 and cites column 6, lines 8 – 25 in an effort to support the assertion that the CIMOM 2 has the recited characteristics of the services host server. **However**, the cited portion of column 6 discusses actions of the CIM provider 10 of Hand and does not disclose or suggest that the CIMOM 2 of Hand is operative to exchange information with the at least one respective device model agent over the at least one communication link, the exchanged information including at least one of: the unit configuration parameters, the unit status information, the available upgrade

information, the selected upgrade information, the selected downgrade information, the available update information, the requested update information, the error information or the serviced request information as is recited, for example, in **claim 26**.

For at least the foregoing additional reasons, **claim 26**, as well as **claims 27 – 35**, which depend therefrom, and **claim 36**, as well as **claim 37-44**, which depend therefrom, are not anticipated by Hand.

It is respectfully submitted that even if Hand discusses a system and method for communicating similar kinds of information as those discussed in the present application, **Hand describes different** systems and methods for doing so. It is only with **impermissible "gist" type reasoning** that the Office sees a similarity between the methods and systems of Hand and those of the present application.

With regard to **claims 27** and **37** and the recitation related to – – at least one respective copy of the device model agent-- the Office Action cites Fig. 1 and reference numerals 10a – 10n.

However, Hand provides no indication that the CIM providers 10a – 10n are copies of one another. Quite **to the contrary**, Hand indicates that the providers may be different. For example, column 4, lines 18 – 28 indicates that “each CIM provider 10a, 10b ... 10n may implement one of the following CIM provider interfaces in a manner known in the art” and then describes various different interfaces. Accordingly, Hand does not disclose or suggest that the CIM providers are copies of one another.

Still further, Hand indicates that the CIM providers are different from one another throughout the document. For instance, at column 5, lines 10 – 13, Hand indicates that **each vendor of a device** wanting to participate in the CIM architecture **would have to write code** implementing the device communication (DevComm) classes. At column 5, lines 48 – 51, Hand indicates that the CIM provider receives a request from the CIMOM and then constructs a DC properties instance to provide to a DevComm 52 instance for a **particular** device. Accordingly, it is respectfully submitted that the CIM providers include **custom code** for each different device and are not copies of one another. Hand reiterates this, for example, at column 10, lines 22 – 28 by asserting that “a **device vendor** to participate in the WBEM framework only **has to code a limited number of methods** of a DevComm class that provides an interface to device specific

APIs to perform device specific operations. The DevComm() class may be used by CIM providers to access device specific operations and obtain device specific information.

Therefore, contrary to the assertions of the Office Action the cited portions of Fig. 1 and column 4 do not disclose that the CIM providers of Hand are copies of one another. Moreover, it is respectfully submitted that Hand provides every indication that the CIM providers include **device specific** code referred to as a DevComm() class.

Accordingly, it is respectfully submitted that only an interpretation of Hand based on **impermissible hindsight** and/or **impermissible "gist"** reasoning would lead one to the conclusions reached by the Office Action.

For at least the foregoing additional reasons, **claims 27** and **37** are not anticipated by Hand. Still further, arguments similar to those submitted in support of **claims 26** and **36**, where applicable, are submitted in support of **claims 27** and **37**.

With regard to **claims 28** and **38**, the Office Action cites column 6, lines 8 – 25. However, while the cited portion includes the word "status", it is respectfully submitted the cited portion **does not disclose** at least one **a services provider** that is operative to exchange information with a services host over at least one communications link. Furthermore, the cited portion **does not disclose** a services provider operative to provide at least one of updated software, software upgrades, billing services, maintenance services and repair services. Still yet further, the cited portion **does not disclose** a services provider operative to provide at least one of the foregoing according to at least one of unit status information, selected upgrade information, requested update information, an error message and service request information received from the at least one unit.

As evidence of this, it is noted that the Office Action **does not identify any device that the Office considers to be analogous** to the recited services provider. Furthermore, **the Office does not identify** a discussion of such a services provider communicating with the Common Information Model Object Manager (CIMOM) that the Office found analogous to the recited services host server in the discussion of **claim 26** and **36**.

Still yet further, the cited portion of column 6 is a discussion of the methods of a PropertyChangeListener class. It is respectfully submitted that Hand does not disclose

that the PropertyChangeListener class communicates with the Common Information Model Object Manager (CIMOM) that the Office found analogous to the recited services host server. Accordingly, any effort to suggest that the PropertyChangeListener class of Hand is analogous to the recited services provider of **claims 28 and 38** fails; because Hand does not disclose that the PropertyChangeListener class is operative to exchange information with a services host or even the CIMOM of Hand over at least one communications link.

For at least the foregoing additional reasons, **claims 28 and 38** are not anticipated by Hand.

It is submitted that the explanation of the rejections of **claims 29 and 39** represents a clear error of the Office Action. For instance, in an effort to justify the rejection of **claims 29 and 39**, the Office Action cites column 4, lines 65 – 68 and characterizes that portion as indicating "CIM providers may be implemented on different computing devices or executed on the same computing devices." However, **claims 29 and 39** recite "wherein the at least one respective the device model agent is at least one of: implemented as a process included in the at least one respective unit and implemented within a physical add-on module that is connected to the respective at least one unit. In its rejection of **claim 26**, the Office Action draws an analogy between devices 6a and 6b of Hand and the recited at least one respective unit. Even as characterized by the Office Action, the cited portion of column 4 **does not disclose** that the CIM providers (which the Office finds analogous to the recited a device model agent) are **included in the devices 6a and 6b** or within **a physical add-on module that is connected to the respective devices 6a and 6b**.

For at least the foregoing additional reasons, **claims 29 and 39** are not anticipated by Hand.

Moreover, the **Office Action mischaracterizes the cited portion**. The cited portion of column for indicates that the **CIM clients 4a and 4b CIM providers 10a, 10b ... 10n** may be implemented on different computing devices or executed on the same computing device. The cited portion clearly does not disclose that the CIM providers are included in the devices 6A and 6B or within a physical add-on module that is connected to the respective devices 6A and 6B.

For at least the foregoing additional reasons, **claim 30**, as well as claims **32** and **33**, which depend therefrom and claim **40** as well as **claims 41 - 43**, which depend therefrom are not anticipated by Hand.

With regard to **claims 30** and **40**, the Office Action cites the depiction of CIM object manager 2 in Fig. 1 and the discussion at column 4, lines 1 – 7. However, **claims 30** and **40** recite characteristics of an application server. In the rejections of **claims 26** and **36**, the Office Action draws an analogy between the recited services host server and the CIMOM. It is respectfully submitted that the fact that the Office finds it necessary to cite the CIMOM as allegedly being the analog to the recited services host server and as allegedly being the analog to the recited application server makes it clear that **Hand does not disclose or anticipate** the subject matter of the present application.

Moreover, even **as characterized by the Office Action**, the cited portion of column 4 discusses the CIMOM processing requests from clients and interfacing with the CIM providers where the providers in turn obtain the requested device specific information or perform the device related operations and return any object information to the CIMOM to return to the clients.

It is respectfully submitted that the cited portion and even the characterization provided by the Office Action do not disclose **an application server** that is operative to receive application software modules, as is recited in **claims 30** and **40**.

Again, it appears the Office is over interpreting the cited portions based on **impermissible hindsight** and/or **impermissible "gist"** reasoning.

Still further, it is respectfully submitted that the cited portion and even the characterization provided by the Office Action do not disclose **an application server** that is operative to receive application software modules from at least one services provider, as is recited in **claims 30** and **40**. In this regard, the Office is reminded that in an effort to explain the rejection of claims 28 and 30, by citing column 6, lines 8 – 25, the Office drew analogy between the recited – – at least one services provider – – and the PropertyChangeListener of Hand.

It is respectfully submitted that the cited portion of column 4 **clearly does not disclose** or suggest that the CIMOM of Hand receives application software modules from the PropertyChangeListener of Hand.

Again, it appears the Office is over interpreting the cited portions based on **impermissible hindsight** and/or **impermissible "gist"** reasoning.

For at least the foregoing additional reasons, **claim 30**, as well as claims **32** and **33**, which depend therefrom and claim **40** as well as **claims 41-43**, which depend therefrom, are not anticipated by Hand.

It is respectfully submitted that the cited portion and even the characterization provided by the Office Action do not disclose **an application server** that is operative to make software application modules available for transmission to and installation in the at least one respective device model agent, as is recited in **claims 30** and **40**. Clarification of this assertion is respectfully requested.

For at least the foregoing additional reasons, **claim 30**, as well as **claims 32** and **33**, which depend therefrom, and claim **40** as well as **claims 41-43**, which depend therefrom, are not anticipated by Hand.

Claims 31 and **41** to depend from **claims 26** and **40** respectively and are not anticipated by Hand for lease that reason.

With regard to **claims 32** and **42**, the Office Action cites column 5, lines 14 – 18. However, even as characterized by the Office Action, the cited portion indicates that vendors may **code** device specific APIs which include methods having **device specific commands** to query the devices for information. The Office Action alleges that the methods can include the methods or means of communicating with the devices.

However, none of this forms a reasonable basis for rejecting **claims 32** and **42**, which recite aspects related to an application programming interface that is **operative to determine which means of communications are available** to the application programming interface, **to select** one or more communication means from the available communication means for communicating with at least one other system element, and **to communicate with the at least one other system element** according to one or more protocol that is appropriate to the one or more select indication means, as is recited, for example, in **claim 32**.

While the cited portion mentions APIs, the cited portion **clearly does not** support an assertion that Hand discloses an API operative to determine which means of communications are available. Furthermore, the cited portion **clearly does not** support an assertion that Hand discloses an API operative to select one or more communication means from the determined available communication means.

For at least the foregoing additional reasons, **claim 32**, as well as claim **33**, which depends therefrom, and **claim 42**, as well as **claim 43**, which depends therefrom, are not anticipated by Hand.

With regard to **claims 33** and **43**, the Office Action cites column 3, lines 60 – 64. However, while the cited portion mentions HTTP, it does so in the context of discussing a transport mechanism implemented by the CIMOM 2 to communicate with the CIM clients 4a and 4b and **not in regard to an application programming interface** and **claims 33** and **43** recite protocols or communication mechanisms supported by the application programming interface.

For at least the foregoing additional reasons, **claims 33** and **43** are not anticipated by Hand.

It is respectfully submitted that the rejections of **claims 34** and **44** are based on **clear error**.

For example, **claim 34** recites *inter alia*: wherein the device model agent is further operative to at least one of: add a new service received from an applications server to a device model agent, start a service running and stop the service.

In this regard, the Office Action cites column 1, lines 60 – 64, and characterizes that portion as describing the starting and stopping of service or addition of resources to a monitored device. However, the cited portion is part of a description of the background of the invention and is **unrelated to any component of the system of Hand**. The cited portion is from a discussion indicating that an event is typically assumed to be a change in the state of the device environment or a record of the behavior of some component of the environment. While the cited portion indicates that examples of events include the starting or stopping of a service, addition of resources to a monitored device, the occurrence of a pervasive incident, state change requiring immediate attention, such as being low on disk space, etc., **the cited portion does not**

disclose or suggest that a **device model agent** is operative to start or stop a service or add a new service to a **device model agent** or that the added new service is received **from an application server**.

Again, it appears the Office is over interpreting the cited portions based on **impermissible hindsight** and/or **impermissible "gist"** type reasoning.

For at least the foregoing additional reasons, **claim 34** and **claim 44** are not anticipated by Hand.

With regard to **claim 35**, the Office Action cites column 5, lines 1 – 5. However, **claim 35** recites *inter alia*: wherein the at least one respective unit comprises: an image processing device. In this regard, the Office is reminded that **the analog identified by the Office** for the recited at least one respective unit are the devices 6a and 6b of Hand, whereas the cited portion of column 5 discusses the CIM clients 4A and 4B and the CIM providers 10a ... 10n (i.e., **not** the devices 6a and 6b). Accordingly, the rejection of **claim 35** is based on **clear error**. The cited portion cannot and does not disclose the at least one respective unit or even the device of Hand comprises: an image processing device.

Additionally, while the cited portion mentions that the CIM clients and provider are implemented in a computing device which may be a server, workstation, desktop computer, portable computer, Handheld computer, telephony device etc. the cited portion **does not mention** an image processing device. It is respectfully submitted that it is only in **impermissible hindsight** that the Office is interpreting the cited portion as disclosing an image processing device.

Telephone Interview

In the interest of advancing this application to issue, the Examiner is invited to telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have a place the case in condition for allowance.

CONCLUSION

Claims 26 – 44 remain in the application. For the reasons detailed above, it is submitted all remaining **claims 26 – 44** are in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	19	- 25 =	0
INDEPENDENT CLAIMS	2	- 4 =	0

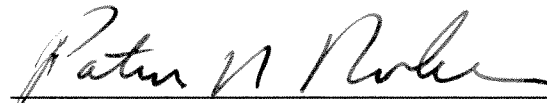
☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

Respectfully submitted,

FAY SHARPE LLP

Date 9/7/11


 Patrick R. Roche, Reg. No. 29,580
 Thomas Tillander, Reg. No. 47,334
 The Halle Building – Fifth Floor
 1228 Euclid Avenue
 Cleveland, OH 44115
 216-363-9000